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10 UPONOR, INC.

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 EDWIN K. SLAUGHTER, REBECCA FLINN, ) Case No.  
10 and MEL and CAROL HEALEY, individually )  
11 and on behalf of all others similarly situated, ) **UPONOR, INC.'S NOTICE OF**  
12 Plaintiffs, ) **REMOVAL TO THE UNITED STATES**  
13 vs. ) **DISTRICT COURT FOR THE**  
14 UPONOR, INC., a Minnesota corporation; ) **DISTRICT OF NEVADA**  
15 UPONOR NORTH AMERICA, INC., a )  
16 Minnesota corporation; RCR PLUMBING AND )  
17 MECHANICAL, INC., a California corporation; )  
18 INTERSTATE PLUMBING & )  
19 CONDITIONING, LLC, a Nevada limited )  
20 liability company; UNITED PLUMBING, LLC, )  
21 a Nevada limited liability company; FERGUSON )  
22 ENTERPRISES, INC., a Virginia corporation; )  
23 HUGHES WATER & SEWER LP, a Florida )  
24 limited partnership and successor by merger to )  
25 STANDARD WHOLESALE SUPPLY )  
26 COMPANY, a dissolved Nevada corporation; )  
27 HD SUPPLY CONSTRUCTION SUPPLY, )  
28 LIMITED PARTNERSHIP, a Florida limited )  
29 partnership; DOES 1-30, ROE )  
30 CORPORATIONS 1-XXX, )  
31 Defendants. )  
32

33  
34 **COMES NOW UPONOR, INC., a Minnesota Corporation, by and through its counsel of**  
35 **record, BREMER WHYTE BROWN & O'MEARA, LLP, and submits this Notice of Removal to**  
36 **the United States District Court for the District of Nevada.**

37 **PLEASE TAKE NOTICE** that UPONOR, INC., a Minnesota Corporation, hereby  
38 removes the state action entitled "*Edwin K. Slaughter, Rebecca Flinn, and Mel and Carol Healey,*

1 *individually and on behalf of all others similarly situated v. Uponor, Inc., a Minnesota*  
 2 *corporation; Uponor North American, Inc., a Minnesota corporation; RCR Plumbing and*  
 3 *Mechanical, Inc., a California corporation; Interstate Plumbing & Conditioning, LLC, a Nevada*  
 4 *limited liability company; United Plumbing, LLC, a Nevada limited liability company; Ferguson*  
 5 *Enterprises, Inc., a Virginia corporation; Hughes Water & Sewer LP, a Florida limited*  
 6 *partnership and successor by merger to Standard Wholesale Supply Company, a dissolved Nevada*  
 7 *corporation; HD Supply Construction Supply, Limited Partnership, a Florida limited partnership;*  
 8 *Does 1-30, Roe Corporations 1-XXX," Case No. A568353, filed in the Eighth Judicial District*  
 9 *Court for the State of Nevada in and for the County of Clark to this Court. The grounds for*  
 10 *removal are:*

11       1. Removal is appropriate pursuant to 28 U.S.C. §1441(a) because this Court has  
 12 original jurisdiction over this proposed class action founded on Diversity of Citizenship pursuant to  
 13 28 U.S.C. §1332(d)(2)(A). Pursuant to the claims set forth in Plaintiffs' Complaint, the matters in  
 14 controversy allegedly exceed \$5,000,000.00 based on Plaintiffs' alleged damages, exclusive of  
 15 interests and costs, and diversity exists between a member of the proposed class of Plaintiffs and  
 16 UPONOR, INC., as follows:

17           a. Upon information and belief, a member of the proposed class of Plaintiffs is  
 18 a citizen of the State of Nevada.

19           b. Defendant UPONOR, INC. is a citizen of the State of Minnesota as it is a  
 20 corporation in Minnesota and has its principal place of business in  
 21 Minnesota as well.

22       2. UPONOR, INC. has not yet been served with Plaintiffs' Complaint. However,  
 23 UPONOR, INC. filed a Notice of Appearance and Initial Appearance Fee Disclosure on September  
 24 4, 2008. This Notice is therefore timely filed within thirty (30) days of service, as required by 28  
 25 U.S.C. §1446(b).

26       3. Pursuant to 28 U.S.C. 1446(a), UPONOR, INC., provides this Court with copies of  
 27 the following documents:

28           a. **Complaint**, attached hereto collectively as Exhibit "1";

- b. UPONOR, INC.'s **Initial Appearance Fee Disclosure and Notice of Appearance** attached hereto collectively as Exhibit "2";
- c. UPONOR, INC.'s **Peremptory Challenge of Judge** attached hereto as Exhibit "3",
- d. District Court of Clark County's **Notice of Department Reassignment** attached hereto as Exhibit "4", and
- e. UPONOR, INC.'s **Notice of Removal of Action** attached hereto as Exhibit "5".

9       4.     A copy of this Notice is being filed concurrently with the clerk of the Clark County  
10 District Court and served on Plaintiffs' counsel.

11 Dated: September 12, 2008. BREMER, WHYTE, BROWN & O'MEARA, LLP

BREMER, WHYTE, BROWN & O'MEARA, LLP

Peter C. Brown, Esq.  
Nevada Bar No. 5887  
Attorney for Defendant,  
UPONOR, INC.

**CERTIFICATE OF FACSIMILE & MAILING**

The undersigned hereby certifies that on the 15 day of September 2008, I served a copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA** by transmitting via facsimile to the below facsimile numbers and by causing a copy of the same to be duly deposited in the United States mail, postage prepaid, addressed to:

Don Springmeyer, Esq.  
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An Employee of  
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